



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

APPEAL NO:

In Re Application of: CHING, et al.

Confirmation No. 6617

Serial No. 09/523,832

Filed: March 13, 2000

For: METHOD AND SYSTEM FOR EFFICIENT FILE TRANSFER TO/FROM
A LOCAL TRAFFIC SYSTEM WITH A DMD SYSTEM

RECEIVED

MAR 02 2004

Technology Center 2100

APPELLANT'S BRIEF

03/02/2004 AWONDAF1 00000034 090460 09523832

01 FC:1402 330.00 DA

Joseph A. Sawyer, Jr.
Attorney for Appellant(s)
Sawyer Law Group LLP
P.O. Box 5418
Palo Alto, CA 94303

TOPICAL INDEX

I. REAL PARTY IN INTEREST

II. RELATED APPEALS AND INTERFERENCES

III. STATUS OF CLAIMS

IV. STATUS OF AMENDMENTS

V. SUMMARY OF THE INVENTION

VI. ISSUES

VII. GROUPING OF CLAIMS

VIII. ARGUMENTS

- A. Summary of the Applied Rejections
- B. The Cited Prior Art
- C. Claims 1-20 Are Not Unpatentable Under 35 U.S.C. 103(a)
- D. Summary of Arguments

IX. APPENDIX



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Application of:

Date: February 26, 2004

CHING, et al.

Confirmation No. 6617

Serial No. 09/523,832

Group Art Unit: 2143

Filed: March 13, 2000

Examiner: Nguyen, T.

For: METHOD AND SYSTEM FOR EFFICIENT FILE TRANSFER
TO/FROM A LOCAL TRAFFIC SYSTEM WITH A DMD SYSTEM

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

MAR 02 2004

Technology Center 2100

APPELLANT'S BRIEF ON APPEAL

Sir:

Appellant herein files an Appeal Brief drafted in accordance with the provisions of
37 C.F.R. § 1.192(c) as follows:

I. REAL PARTY IN INTEREST

Appellant respectfully submits that the above-captioned application is assigned, in its
entirety to International Business Machines Corporation, Armonk, New York.

II. RELATED APPEALS AND INTERFERENCES

Appellant states that, upon information and belief, he is not aware of any co-pending
appeal or interference which will directly affect or be directly affected by or have a bearing
on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Application Serial No. 09/523,832 (the instant application) as originally filed included claims 1-20. Claims 1-20 are pending. In response to the Office Action dated 1/3/2003, Appellant amended claims 1, 8, and 15. The amendments to claims 1, 8, and 15 were made to more particularly recite the features of the digital media distributor system, as described in the specification, and to amend the recitation of the local traffic system by including the aspect of the local traffic system providing schedule initiation for local advertisement and announcement times. Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 are on appeal and all applied prospective rejections concerning Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 are being appealed herein.

IV. STATUS OF AMENDMENT

All amendments made to the instant application have been entered.

V. SUMMARY OF THE INVENTION

The present invention addresses obstacles faced by the local broadcaster or cable operator in implementing a system to insert local commercials at small markets into a national program feed distributed by satellite. The aspects of the present invention include a central site server, at least one local traffic system, and an Internet file server (IFS) coupled between the central site server and the at least one local traffic system. The IFS acts as an intermediary between the central site and the at least one local traffic system, wherein the IFS supports file transfer in both directions between the central site and the at least one local traffic system.

In this manner, efficient management of communication results. Further, the Internet file server also achieves effective traffic management, particularly through the use of automated server agents. Thus, a digital media distributor (DMD) in accordance with the present invention provides a complete end-to-end system that gives local cable or network affiliates the ability to provide local ads and announcement insertion together with the delivery of cable or network feed(s).

VI. ISSUES

The issue presented are:

- (1) whether claims 1-20 are each unpatentable under 35 U.S.C. 103(a) as being unpatentable over Rasansky et al. ("Rasansky") in view of Yuen et al. ("Yuen"); and
- (2) whether claims 15 and 17 are each unpatentable under 35 U.S.C. 103(a) as being unpatentable over Rasansky in view of Tominaga et al. ("Tominaga").

VII. GROUPING OF CLAIMS

Appellant hereby states that claims 1-20 form one group.

VIII. ARGUMENTS

A. Summary of the Applied Rejections

The final office action dated 6/30/03 rejected: claims 1-20 as being unpatentable under 35 U.S.C. 103(a) over Rasansky et al. ("Rasansky") in view of Yuen et al. ("Yuen"); and claims 15 and 17 under 35 U.S.C. 103(a) as being unpatentable over Rasansky in view of Tominaga et al. ("Tominaga").

Appellant respectfully requests that the Board reverse the Examiner's final rejection of the pending Claims.

B. The Cited Prior Art

Rasansky describes a computer system for scheduling calendar events between end users of the system. Each end user is granted a unique password protected personal calendar. This calendar is generated from information stored in a database at a central server, and delivered to each end user as standard HTML sent through the Internet. This custom personal calendar is then viewed by the end user in a standard Web Browser. This obviates the need for special software programs to be purchased by end users, and also allows end users of any CPU type to read their calendars. When an end user uses the system to send an Invitation or Announcement to others on the system, the sending end user has the option of sending e-mail in addition to posting that information in the calendars' of others. When an end user sends an Invitation or Announcement to a person who is not an Appointnet user, then the Appointnet system automatically creates a unique calendar for the recipient, and sends an e-mail to that person. Individuals who use the present system can post reminders to themselves, send announcements to people they know, and make appointments with people they know. When these messages are sent, the communications is nearly instantaneous because the system makes one record and allows both (or many) parties to view it.

Yuen describes digital compressed codes associated with advertisements that enable a user to selectively record additional information, which would be broadcast on a television channel at a later time. The advertisement could be print advertisement or broadcast advertisement on television or radio. The user enters the digital code (I code) associated with an advertisement into a unit with a decoding unit which automatically converts the code into

CTL (channel, time and length). The unit within a twenty four hour period activates a VCR to record information on the television channel at the right time for the proper length of time. The decoded channel, time and length information can be communicated directly to a VCR and used by the VCR directly to automatically activate the VCR to record a given television information broadcast corresponding to the communicated channel, time and length. Alternately, the channel, time and length information can be decoded directly in a remote control unit and only start record, stop record and channel selection commands sent to the VCR at the appropriate times. Algorithms for decoding the I codes can be a function of time to ensure security of the decoding method. A method is included for use of the I codes with cable channels.

Tominaga describes a file sharing system implemented on a system having a server system and a plurality of client systems connected to the server system via a network. The file sharing system includes a WWW server provided in the server system, a first storage unit provided in the server system and storing files, a WWW-server-function extension unit provided in the server system and operating in association with the WWW server to control the files based on file identifiers. The file sharing system further includes a WWW browser provided in a client system which is one of the client systems and receiving one of the files and a corresponding file identifier from the server device, a second storage unit provided in the client system and storing the one of the files, a WWW-browser-function extension unit provided in the client system and operating in association with the WWW browser to activate an application to update the one of the files and to send an updated file and the corresponding file identifier to the server system.

C. Claims 1-20 Are Not Unpatentable Under 35 U.S.C. 103(a)

The present invention overcomes obstacles faced by the local broadcaster or cable operator in implementing a system to insert local commercials at small markets into a national program feed distributed by satellite. Through the present invention, an Internet file server provides an intermediary for file transfers between a local traffic system and a central site server of a digital media distributor system. As described in the specification on page 3, line 21 - page 4, line 2, a digital media distributor (DMD) in accordance with the present invention provides a complete end-to-end system that gives local cable or network affiliates the ability to provide local ads and announcement insertion together with the delivery of cable or network feed(s). Independent claims 1, 8, and 15 recite the features of the digital media distributor system, as described in the specification and the aspect of the local traffic system providing schedule initiation for local advertisement and announcement times, as presented in the specification on page 8, lines 8-13.

Rasansky is wholly concerned with providing customized personal calendars from information stored in a database through the Internet, so as to obviate the need for special software calendar programs to be purchased by end users (see Abstract). The Appointnet system described by Rasansky provides "an efficient mechanism through which an individual or groups of individuals can set appointments in time and space; organize events; send announcements; and post reminders in such a way that information is available to selected individuals or groups of individuals" (column 5, lines 9-14). In support of the Appointnet system, Rasansky does discuss the use of Internet information server software for a web subsystem through which all interactions between client devices and a database subsystem occur (see cited column 5, lines 52 - column 6, line 3). However, as presented in

this section of Rasansky, it is merely “calendars, forms for invitations, announcements, and reminders” that are generated by the Web subsystems using information stored in the database subsystem. Thus, Appellant respectfully submits that Rasansky’s Appointnet system fails to teach, show, or suggest the provision of an Internet file server or intermediary for file transfers between a central site server and at least one local traffic system in a digital media distributor system, as recited by the Appellant in independent claims 1, 8, and 15.

Further, even when considering the cited art of Yuen with Rasansky, Appellant respectfully submits that the recited invention is not taught, shown, or suggested. As the Examiner admits, the cited art of Rasansky does not teach the digital media distributor system giving broadcast program affiliates the ability to provide local advertisements and announcement insertion together with delivery of broadcast program feeds and at least one local traffic system providing schedule initiation for local advertisement and announcement times. The Examiner then contends:

However, Yuen teaches the digital media distributor system giving broadcast program affiliated [sic] the ability to provide local advertisements and announcement insertion together with delivery of broadcast program feeds and at least one local traffic system providing schedule (col. 30, lines 6-17) initiation for local (col. 3, lines 10-20) advertisement and announcement times (col. 2, lines 20-34, col. 3, lines 25-35, and col. 29, line 25 - col. 30, line 17). It would have been obvious ... to combine the teachings of Rasansky and Yuen to have the digital media distributor system giving broadcast program that enable to provide advertisement and announcement times because it would have an efficient system that can provide specific functions that be made public as in radio or television or a transmission sent to more than one recipient.

Appellant respectfully disagrees.

The cited art of Yuen provides digital compressed codes that are associated with advertisements and which a user can enter into a unit to selectively record additional information broadcast on a television channel at a later time. Thus, Yuen describes a

manner of performing an automated recording function of an advertisement in a VCR for a user based on an entered code associated with the advertisement. While the advertisements are broadcast to the user in order to be recorded, Yuen's discussion of the process of performing the automated recording is silent in regard to the delivery of the advertisements. Without further criticality of teaching in Yuen, Appellant respectfully submits that there is nothing in Yuen's automated advertisement recording functionality that teaches or suggests a digital media distributor system, as recited by the Appellant. Therefore, even if Rasansky were considered with Yuen, Appellant fails to see anything that teaches or suggests the recited provision of an Internet file server or intermediary for file transfers between a central site server and at least one local traffic system in a digital media distributor system, the digital media distributor system giving broadcast program affiliates the ability to provide local advertisements and announcement insertion together with delivery of broadcast program feeds, of Appellant's independent claims 1, 8, and 15.

Further, dependent claims 2-6 and 9-13 recite the transfer direction by the Internet file server with the local traffic system for each type of file, which indicate the singular direction of the transfer for that file type, as described in the specification, including page 8, lines 19-20 ("for each type of file, transfers occur in only one direction ...). Appellant respectfully submits that the achievement of efficient file transfer and traffic management in a digital media distributor system with the present invention is not anticipated or suggested by the Appointnet system of Rasansky, even when considered with the advertisement recording functionality of Yuen.

With regard to the reference of Tominaga, Tominaga is cited for teaching the exchanging of files according to a chosen Internet transfer protocol, including FTP. Given

the aforementioned deficiencies of Rasansky, Appellant respectfully submits that even the inclusion of the teachings of FTP of Tominaga with Rasansky would not result in any teaching or suggestion of the recited invention.

In view of the foregoing, Appellant respectfully submits that claims 1-20 are not taught, shown, or suggested by the cited art.

Accordingly, Appellant respectfully requests withdrawal of the rejection under 35 U.S.C. 103(a) and respectfully requests that the Board reverse the final rejection of Claims 1-20.

E. Summary of Arguments

For all the foregoing reasons, it is respectfully submitted that Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 (all the Claims presently in the application) are patentable for defining subject matter which would not have been unpatentable under 35 U.S.C. § 103(a). Thus, Appellant respectfully requests that the Board reverse the rejection of all the appealed Claims and find each of these Claims allowable.

Note: For convenience of detachment without disturbing the integrity of the remainder of pages of this Appeal Brief, Appellant's "APPENDIX" section is contained on separate sheets following the signatory portion of this Appeal Brief.

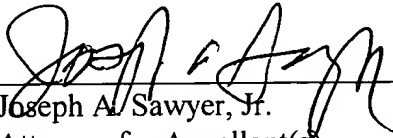
This Brief is being submitted in triplicate, and authorization for payment of the required Brief fee is contained in the transmittal letter for this Brief. Please charge any fee that may be necessary for the continued pendency of this application to Deposit Account No. 09-0460 (IBM).

Respectfully submitted,

SAWYER LAW GROUP LLP

February 26, 2004

Date



Joseph A. Sawyer, Jr.
Attorney for Appellant(s)
Reg. No. 30,801
(650) 493-4540

IX. APPENDIX

1. A method for achieving efficient file transfer and traffic management in a digital media distributor system, the method comprising:

providing an Internet file server (IFS) at a central site of the digital media distributor system, the digital media distributor system giving broadcast program affiliates the ability to provide local advertisements and announcement insertion together with delivery of broadcast program feeds; and

utilizing the IFS as an intermediary between the central site and at least one local traffic system, the at least one local traffic system providing schedule initiation for local advertisement and announcement times, wherein the IFS supports file transfer in both directions between the central site and the at least one local traffic system.

2. The method of claim 1 wherein utilizing further comprises receiving inbound transfers of a playlist file from the at least one local traffic system.

3. The method of claim 1 wherein utilizing further comprises receiving inbound transfers of a dub list file from the at least one local traffic system.

4. The method of claim 1 wherein utilizing further comprises receiving inbound transfers of a purge list file from the at least one local traffic system.

5. The method of claim 1 wherein utilizing further comprises performing outbound transfers of a spot status summary file to the at least one local traffic system.

6. The method of claim 1 wherein utilizing further comprises performing outbound transfers of a consolidated As-Run log file to the at least one local traffic system.

7. The method of claim 1 further comprising utilizing a plurality of agents to perform automated processing of files transferred to the IFS and to perform scheduled tasks.

8. A system for achieving efficient file transfer and traffic management in a digital media distributor system, the digital media distributor system giving broadcast program affiliates the ability to provide local advertisements and announcement insertion together with delivery of broadcast program feeds, the system comprising:

a central site server;

at least one local traffic system, the at least one local traffic system providing schedule initiation for local advertisement and announcement times; and

an Internet file server (IFS) coupled between the central site server and the at least one local traffic system, the IFS acting as an intermediary between the central site and the at least one local traffic system, wherein the IFS supports file transfer in both directions between the central site and the at least one local traffic system.

9. The system of claim 8 wherein the IFS receives inbound transfers of a playlist file from the at least one local traffic system.

10. The system of claim 8 wherein the IFS receives inbound transfers of a dub list file from the at least one local traffic system.

11. The system of claim 8 wherein the IFS receives inbound transfers of a purge list file from the at least one local traffic system.

12. The system of claim 8 wherein the IFS performs outbound transfers of a spot status summary file to the at least one local traffic system.

13. The system of claim 8 wherein the IFS performs outbound transfers of a consolidated As-Run log file to the at least one local traffic system.

14. The system of claim 8 wherein the IFS further utilizes a plurality of agents to perform automated processing of files transferred to the IFS and to perform scheduled tasks.

15. A method for achieving efficient file transfer and traffic management in a digital media distributor (DMD) system, the method comprising:

utilizing an intermediary for file transfers between a central site and a local traffic system, the at least one local traffic system providing schedule initiation for local advertisement and announcement times, for a DMD, the DMD giving broadcast program affiliates the ability to provide local advertisements and announcement insertion together with delivery of broadcast program feeds; and

exchanging files according to a chosen Internet transfer protocol between the local traffic system and the intermediary.

16. The method of claim 15 wherein utilizing further comprises utilizing an Internet server as the intermediary.

17. The method of claim 15 wherein exchanging files further comprises exchanging files according to a file transfer protocol (FTP).

18. The method of claim 15 wherein exchanging files further comprises exchanging files according to a hypertext transfer protocol (HTTP).

19. The method of claim 15 further comprising utilizing agents in the IFS to automatically import and transfer list files.

20. The method of claim 15 further comprising utilizing agents in the IFS to automatically generate and export summary files.